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**Members**

James Tillotson, Chair  
Fred Krampits, Vice Chair  
Frank Laflamme  
Gary Labrie  
Jerry Roy

APPROVED 9-10-19

**MINUTES**  
**August 27, 2019**

The following are the minutes of a public hearing held Tuesday, August 27, 2019, at 6:30 PM Senior Center, Small Garden Room #14A, 5 W Main Street, Chicopee, MA 01020

**Members Present:** Tillotson, Krampits, Laflamme, Labrie, Roy

**Also Present:** Dan Garvey (Associate City Solicitor), Lt. Holly Davis (Police Department), Brian Suchy (Assessor), Victor Anop (Assessor), Monica Blazic (Housing Authority Director), Stephanie Shaw (Veterans Director), Chief Stamborski (Fire Department), Andrew Vernon (IT Director), Councilor Dobosz, Councilor Courchesne

The meeting was called to order at 6:30 PM.

In compliance with the open meeting laws the Chairman asked if anyone in the audience was recording the meeting. Hearing none the meeting continued.

**ITEM #1**

BE IT ORDAINED THAT THE CHICOPEE CITY COUNCIL DOES HEREBY AMEND CHAPTER 34, SECTION 1 AS FOLLOWS:

**DELETE** CHAPTER 34, SECTION 1: COMPOSITION

The Fire Department of the City of Chicopee shall consist of one Fire Chief, five Deputy Chiefs to be designated First, Second, Third, Fourth, and Fifth Deputy Chiefs, respectively, 13 Captains, 23 Lieutenants, 105 firefighters, one Administrative Assistant, one Principle Clerk, one Senior Clerk, one Fire Tech/Foreman.

**AND REPLACE THEREWITH:**

CHAPER 34, SECTION 1: COMPOSITION

The Fire Department of the City of Chicopee shall consist of one Fire Chief, five Deputy Chiefs to be designated First, Second, Third, Fourth, and Fifth Deputy Chiefs, respectively, 14 Captains, 24 Lieutenants, 105 firefighters, one Administrative Assistant, one Principle Clerk, one Senior Clerk, one Fire Tech/Foreman.

Chairman Tillotson stated that the increase already made through collective bargaining agreement.

Motion made by Councilor Laflamme and second by Councilor Tillotson to approve.

**Committee vote      5 – 0 favorable.**

**ITEM #2**

Debra Drive – Flowing in the direction from the highest number to the lowest number – ONE WAY STREET

**Public Input**

Terresa Murray, 82 Debra Drive #4B, stated that she would like to understand the complaints involved with putting the No Parking signs up and why they are up. She has lived at this address for 18 years and there have never been parking restrictions. Having a one-way street is not an issue but can't understand why the No Parking signs will remain. She has heard that it's because of Fire Department access issues. There are 96 apartments between the 4 buildings and there are only 42 parking spaces. With the no parking signs residents of the buildings are now parking down the street in front of other people's homes and she understands that they do not want them parking in front of their homes. Agrees with the one-way street but parking needs to be allowed on the street in front of the apartment buildings. She suggests that the city paint the yellow lines again where the sidewalks are.

Councilor Courchesne stated that the No Parking signs will be removed because the street will be made one way.

William Twining, 48 Debra Drive, 43 year resident of Debra Drive. He stated that he sees this as problematic in the winter time. Will parking be allowed on both sides of Debra Drive? Sees this as a problem.

Councilor Tillotson stated that he does not see an advantage to making this a one-way street.

Bob Warchol, 41 Debra Drive, stated that he is opposed to Debra Drive being one-way. He believes the problem is parking on the street. He questioned why parking spaces cannot be assigned to the apartments at 78, 80, 82, 84, 86, 88, 90, 92, 94, 96, 98, 100. There are plenty of parking spaces that aren't being utilized by the residents of the apartments.

Councilor Laflamme asked Monica Blazic if she knows how many residents of the apartments have cars? Monica replied that there are 157 units in the development. There may be 2 people in each unit. The 2 bedroom units could have 3 or 4 people living in that apartment. This parking lot is not assigned parking. There is not enough spaces for each unit. Back when the development was built the elderly didn't have cars. Now more and more people are driving into their 80s. The original development was built for Westover Air Force Base and the Housing Authority bought it because when the Air Force Base started to shut down the Air Force didn't want to take the units. The problem with parking didn't seem to be a problem until the street was changed to one side parking. At that time the tenants voiced their concerns to the Housing Authority. She stated that about 80% of residents of the apartments have cars. She also stated that she is in favor of the one-way street.

Councilor Tillotson stated that it has been brought to his attention that some of the tenants of the Housing property have therapists that come during the day to provide services and they are not familiar with the parking situation in this area. He also stated that it may be beneficial to have time limit parking restrictions.

Mark Antone? stated that he is a resident of the complex. He stated that the Fire Department was able to get through when parking was allowed on both sides of the street. He stated that the issue is when cars are parked on both sides by the corner.

Laura Chapin, 96 Debra Drive, stated that at night no matter what time of year it is, the people that own the house on the corner of Irene Street rent it out and those tenants park on the corner of Debra Drive.

William Twining, 48 Debra Drive, stated that the number that Monica Blazic gave of 157 units includes Memorial Drive. But the Memorial Drive apartments have their own parking and is not part of this discussion of the units on Debra Drive.

Monica Blazic stated that the federal government deems both the Memorial apartments and the Debra apartments as one and both can utilize each other's parking.

Councilor Tillotson stated that state law prohibits any parking 20 feet from an intersection. This is in effect even if there is no sign stating this. This state law is being violated on this street. The Fire Department wants to be able to get into Debra Drive and need at least 30 feet for the truck to make the turn.

Chief Stamborski stated that his concern is keeping the corner clear so that emergency vehicles can enter the street in an emergency.

The Police Department suggests giving back the parking spaces but at the curve prohibit parking. Lt. Davis stated that the Police Department could conduct a traffic study of this area.

Councilor Tillotson stated that he will speak with the Mayor to bag the No Parking signs that are currently there to see if the situation improves.

Those residents present would like their parking spaces returned.

Motion made by Councilor Laflamme and second by Councilor Tillotson to postpone to the call of the chair.

**Committee vote**      **5 – 0 favorable.**

### ITEM #3

## Chapter 7 Ordinance Revisions

Group 4

KK MIS Department

a. Intern

\$17.00 per hour

Andrew Vernon stated that the prior pay was \$12.00 per hour. The intern has been with the City for quite some time and is doing a superb job and is an asset to the department. This position is 15 hours per week.

Motion made by Councilor Roy and second by Councilor Tillotson to approve.

**Committee vote** 5 – 0 favorable.

### ITEM #4

ORDERED THAT the City Council adopt Chapter 218 of the Acts of 2018, An Act Relative to Veterans Benefits, Rights, Appreciation, Validation and Enforcement, known as the BRAVE Act as it relates to M.G.L. c.59 S5 Clause Seventeenth F, Twenty-second G, Twenty-second H and M.G.L. c.59 S5N.

Councilor Courchesne stated that the attorneys at the MMA Conference that he attended stated that none of these benefits could be utilized without the City adopting this Act. His goal is to allow the Assessors to implement any of these benefits if they chose to.

Stephanie Shaw stated that at this time 22G and H are not reimbursed to the City while some others are reimbursed to the City by the State. 22G extends the service connection property tax exemption of whether you're 10 to 90 percent \$400 annual exemption of property taxes. If you have 100 percent service connection it's a \$1,000 a year property tax exemption. Clause G extends that benefit to the eligible even if they have changed the ownership title of their property to a trust. H extends the Gold Star spouse exemption to parents and legal guardians. The numbers there are very small. There are about 4 Gold Star parents living in the City; 2 of the 4 rent. Brian Suchy stated that the Dupont family is the only on the books right now.

Victor Anop stated that if the Council adopts this it goes into effect right away not in the future. He questioned how many people would H effect. Stephanie Shaw replied that from her records Mrs. Dupont is the only one. Victor Anop stated that since it's only one then the Assessors would be in favor of H.

Councilor Labrie asked if surrounding communities have adopted these MGLs. Stephanie Shaw replied that Ludlow and Holyoke have adopted these laws.

Victor Anop stated that this adoption could be revoked in the future.

Councilor Laflamme asked about the work off program. Stephanie Shaw stated that the Veteran's Office has a Senior Work Off Program but they can't do the work off program and the exemption under G and H. Councilor Laflamme asked how many veterans would fall under 22G. Stephanie Shaw replied that she would guestimate less than 2 dozen.

Victor Anop stated that clause 17 has to do with widows. 17 is already handled by the Board of Assessors.

MGL c.59 S5N creates a veteran work off program. Stephanie Shaw stated that this has not been adopted.

Councilor Tillotson stated that the Council could adopt 22G and H now and then later one discuss adoption of S5N.

Committee amended the order to read as follows:

ORDERED THAT the City Council adopt Chapter 218 of the Acts of 2018, An Act Relative to Veterans Benefits, Rights, Appreciation, Validation and Enforcement, known as the BRAVE Act as it relates to M.G.L. c.59 S5 Clause, Twenty-second G and Twenty-second H.

Motion made by Councilor Laflamme and second by Councilor Tillotson to adopted 22G and 22H.

**Committee vote        5 – 0 favorable.**

#### **ITEM #5**

CHAPEL STREET – Between the fire hydrant and pole #17 near Mr. Cone, 1048 Granby Road – PARKING PROHIBITED

Motion made by Councilor Laflamme and second by Councilor Tillotson to approve.

**Committee vote        5 – 0 favorable.**

#### **ITEM #6**

LAFAYETTE STREET – At the corner of 213 Lafayette Street – ISOLATED STOP SIGN

Councilor Labrie stated that according to the neighbors there used to be a stop sign for over 30 years at this location but there was no ordinance for it.

Motion made by Councilor Roy and second by Councilor Laflamme to approve.

**Committee vote        5 – 0 favorable.**

**ITEM #7**

CHICOPEE STREET – In front of the Registry of Motor Vehicle at 1011 Chicopee Street – DO NOT BLOCK THE BOX

Motion made by Councilor Laflamme and second by Councilor Tillotson to send to Engineering for recommendation.

**Committee vote        5 – 0 favorable.**

**ITEM #8**

Delete Chapter 256 Tobacco Vending Machines in its entirety

Motion made by Councilor Laflamme and second by Councilor Tillotson to approve.

**Committee vote                    5 – 0 favorable.**

**ITEM #9**

Minutes – July 9, 2019

Motion made by Councilor Labrie to approve. Motion passed.

Meeting adjourned at 8:05 PM.

**TABLE 2. Exempt Persons – Property Taxes  
State Reimbursements<sup>1</sup>**

Type	Clause	Exemption Amount	Reimbursement Amount
<b>BLIND</b>	37	\$437.50	\$87.50 per exemption
	37A	\$500	\$87.50 per exemption
<b>HARDSHIP</b>	18	Any	None
<b>SENIOR, SURVIVING SPOUSE, SURVIVING MINOR CHILDREN</b>	17	\$175	\$175 per exemption
	17C, 17C½, 17D	\$175	Total amount reimbursed in last year Clause 17 used
<b>SENIOR</b>	41	\$500	\$500 per exemption
	41B, 41C	\$500	\$500 per exemption, up to the number of exemptions granted in the last year Clause 41 used
	41C½	5% of average assessed valuation of residential property <sup>2</sup>	Amount granted up to \$500 per exemption, up to the number of exemptions granted in the last year Clause 41 used
<b>SURVIVING SPOUSE, SURVIVING MINOR CHILDREN OF FIREFIGHTERS AND POLICE OFFICERS</b>	42, 43	Full	None
<b>VETERAN<sup>3</sup></b>	22	\$400	\$225 per exemption
	22A	\$750	\$575 per exemption
	22B	\$1250	\$1075 per exemption
	22C	\$1500	\$1325 per exemption
	22D	Full – 1 <sup>st</sup> five years  Up to \$2500 thereafter	Exemption granted
	22E	\$1000	\$825 per exemption
	Paraplegics	Full	All but \$175 of exemption granted

<sup>1</sup> Subject to annual appropriation.

<sup>2</sup> May be increased up to 20% by legislative body of municipality.

<sup>3</sup> If Clause 22A, 22B, 22C and 22E granted on multi-family property, reimbursement is limited to amount over \$225 granted to applicant.

**TABLE 7. Exempt Persons – Applicants**  
**Veterans under Clauses 22, 22A, 22B, 22C, 22D, 22E, 22F,**  
**22G and 22H**

CLAUSE	TYPE	AMOUNT <sup>1</sup>	VETERAN	SPOUSE	SURVIVING SPOUSE	SURVIVING PARENT
22(a)	Veterans with minimum 10% service connected disability	\$400	X			
22(b)	Veterans of certain pre-World War I conflicts	\$400	X			
22(c)	Veterans awarded purple hearts	\$400	X			
22(d)	Spouses (when property is owned by spouse, not veteran) and surviving spouses of Clause 22(a) – (c) veterans or of soldiers and sailors who died serving in certain 22(b) pre-World War I conflicts	\$400		X	Until remarriage	
22(e)	Gold star parents	\$400				X
22(f)	Surviving spouses of World War I veterans whose whole estate, less mortgage balance on property, does not exceed \$20,000	\$400			Until remarriage	
22A	Veterans who lost, or had permanent loss of use of, one hand, foot or eye in the line of duty or who were awarded the Congressional Medal of Honor, Distinguished Service Cross, Navy Cross or Air Force Cross (and Prisoners of War beginning in FY2020)	\$750	X	X	X	
22B	Veterans who lost, or had permanent loss of use of, two hands, feet or eyes in the line of duty	\$1250	X	X	X	

<sup>1</sup> With the exception of Clauses 22(a-f) and 22D, if the property is greater than a single-family house, the applicant receives an exemption for only that portion that corresponds to the segment occupied.

CLAUSE	TYPE	AMOUNT <sup>1</sup>	VETERAN	SPOUSE	SURVIVING SPOUSE	SURVIVING PARENT
22C	Veterans with 100% disability in the line of duty and whose domicile is specially adapted housing acquired with assistance from VA	\$1500	X	X	X	
22D	Surviving spouses (who have never remarried) of active duty military personnel (including National guardsmen on active duty) or veterans who (1) died as a proximate result of injuries sustained or diseases during active duty, or (2) are missing in action and presumed to have died	Full			Until remarriage	
22E	Veterans with 100% disability in the line of duty (annual certificate required)	\$1000	X	X	X	
22F	Paraplegic veterans Veterans with 100% disability for service-connected blindness	Full	X	X	X	
22G	If accepted, persons otherwise eligible for a Clause 22, 22A, 22B, 22C, 22D, 22E or 22F exemption when legal title is held by a trustee, conservator or other fiduciary for the person's benefit	400-Full	X	X	X	X
22H	If accepted, surviving parents or guardians of active duty military personnel (including National guardsmen on active duty) or veterans who (1) died as a proximate result of injuries sustained or diseases during active duty, or (2) went missing in action and are presumed to have died. (Beginning in FY2020)	Full				X

<sup>1</sup> With the exception of Clauses 22(a-f) and 22D, if the property is greater than a single-family house, the applicant receives an exemption for only that portion that corresponds to the segment occupied.

**Seventeenth F**, Notwithstanding any provision of general or special law to the contrary, an abatement granted pursuant to clause Seventeenth, Seventeenth C, Seventeenth C1/2 or Seventeenth D may be increased annually at the discretion of a city or town by an amount not to exceed the increase in the **cost of living** as determined by the Consumer Price Index for such year. This clause shall take effect in a city or town upon its acceptance by such city or town.

**Twenty-second G**. In any city or town that **accepts this clause**, real estate that is the domicile of a person but is owned by **a trustee, conservator or other fiduciary for the person's benefit** if the real estate would be eligible for exemption under clause Twenty-second, Twenty-second A, Twenty-second B, Twenty-second C, Twenty-second D, Twenty-second E or Twenty-second F if the person were the owner of the real estate.

**Twenty-second H**. Real estate to **the full amount of the taxable valuation of** real property of the **surviving parents or guardians of soldiers and sailors, members of the National Guard and veterans who: (i) during active duty service, suffered an injury or illness documented by the United States Department of Veterans Affairs or a branch of the armed forces that was a proximate cause of their death; or (ii) are missing in action with a presumptive finding of death as a result of active duty service as members of the armed forces of the United States;** provided, however, that the real estate shall be occupied by the surviving parents or guardians as the surviving parents' or guardians' domicile; and provided further, that the surviving parents or guardians shall have been domiciled in the commonwealth for the 5 consecutive years immediately before the date of filing for an exemption pursuant to this clause or the soldier or sailor, member of the National Guard or veteran was domiciled in the commonwealth for not less than 6 months before entering service.

Surviving parents or guardians eligible for an exemption pursuant to this clause shall be eligible **regardless of when the soldier, sailor, member of the National Guard or veteran died or became missing in action with a presumptive finding of death;** provided, however, that the exemption shall only apply to tax years beginning on or after January 1, 2019. Such exemption shall be available until such time as the surviving parents or guardians are deceased. No real estate shall be so exempt which has been conveyed to the surviving parents or guardians to evade taxation. This clause shall take effect upon its acceptance by any city or town.

Rev. 7/19 3.6 Veteran Exemptions (Clauses 22, 22A, 22B, 22C, 22D, 22E, 22F and 22H) 3.6.1 Eligibility Peacetime and wartime veterans who meet certain domiciliary requirements and were not dishonorably discharged may be eligible for exemptions ranging from \$400 to the full tax under Clauses 22, 22A, 22B, 22C, 22E and 22F. If the spouse, not the veteran, owns the veteran's domicile, the spouse may be eligible for the exemption instead. Some of the exemptions are available to surviving spouses of veterans or surviving spouses and parents of service members. Some surviving spouses may receive the exemption even if they remarry.

Table 7 summarizes who may apply for exemption under each clause.

To be a veteran, the person must meet certain active duty service requirements.

3.6.2 Domicile Veterans must (1) have been domiciled in Massachusetts at least six consecutive months before entering the service, or (2) have been domiciled in Massachusetts at least two years consecutive before qualifying for the exemption. To qualify for a Clause 22D exemption, surviving spouses of active duty service members, guardsmen on active duty or veterans who were killed or whose service connected injury or disease is the proximate cause of death as determined by the VA (1) must have been domiciled in Massachusetts for at least two consecutive years before applying for the exemption, or (2) their deceased spouse must have been domiciled in Massachusetts for at least six consecutive months before entering the service. If the veteran, service member or guardsman was not domiciled in Massachusetts before entering the service, and the municipality has accepted St. 1993, c. 110, § 110, the veteran or surviving spouse will only have to have been domiciled in the state at least one consecutive year before qualifying for the exemption.

3.6.3 Disability An applicant must provide certification of the veteran's service connected disability from the VA or branch of service from which the person was discharged in the first year the exemption is sought. Veterans who qualify for a Clause 22E exemption must submit a current VA certification with each year's application. Once any other exemption is granted, the veteran does not have to include a certification with future applications unless the disability status changes. For applications by a surviving spouse of a disabled veteran, a certification of the veteran's disability at the time of death must be provided in the first year the exemption is sought only if the veteran was not receiving an exemption at that time.

3.6.4 Occupancy For Clauses 22A, 22B, 22C, 22E and 22F exemptions, an applicant who owns a multi-family house only receives an exemption for the portion of the house the applicant occupies as his or her domicile. Example The applicant owns a three-family house and occupies one unit.

**From:** DLS Alerts <dls\_alerts@dor.state.ma.us>  
**Sent:** Thursday, April 04, 2019 3:24 PM  
**To:** Laura McCarthy  
**Subject:** City & Town - April 4th, 2019

A Publication of  
the Massachusetts  
Department of Revenue's  
Division of Local Services

# City & Town

Supporting a Commonwealth of Communities

Christopher C. Harding, Commissioner • Sean R. Cronin, Senior Deputy Commissioner of Local Services



## FY2019 Sewer Rate Relief Awards

**April 4th, 2019**

**Gerry Cole - Bureau of Accounts Public Finance Section**

### In this issue:

- FY2019 Sewer Rate Relief Awards
- Ask DLS: The "BRAVE Act"
- Data Highlight of the Month: Veterans, Blind Persons, Surviving Spouses, and Elderly Persons Property Tax Exemptions

In March, the Division of Local Services (DLS) announced the FY2019 distribution from the Commonwealth Sewer Rate Relief Fund, established in 1993 under the provisions of Ch. 29, §22Z of the Massachusetts General Laws.

This year, funds totaling \$1.1 million have been awarded to 48 Massachusetts governmental entities to mitigate sewer rate increases due to debt service obligations for qualified sewer construction projects.

DLS issued the annual program announcement and application form as Bul-2018-6 in October of 2018. November 2, 2018 was stipulated as the requested date for submission of completed applications.

### Important Dates & Information

**SAVE THE DATE: 2019 New  
Officials Finance Forum Set for  
June 6th**

The Division of Local Services offers a seminar for recently elected or appointed officials every spring. With an emphasis on the basics, this

Applications were processed by DLS and the Department of Environmental Protection (MassDEP). MassDEP provided determinations of eligible indebtedness which is dependent upon the nature of a given project and its' financing. The statute requires that eligible indebtedness be debt issued on or after January 1, 1990 which has a final date of maturity more than 5 years after the date of issuance and which is incurred to finance or refinance the cost of

course is designed to foster a team approach to the various offices by developing an understanding of the responsibilities of the various offices as well as their interrelationship.

The 2019 New Officials Finance Forum will be held on Thursday, June 6th at the College of the Holy Cross in Worcester. DLS will provide additional information including the registration form shortly. We hope to see you there!

#### Massachusetts Dredging Program Grants

The Executive Office of Housing and Economic Development is seeking proposals from coastal communities for Massachusetts Dredging Program Grants, which provide construction-phase funding for saltwater dredging.

These competitive grants for municipalities focus on shovel-ready projects that contribute to the economic significance, recreational value, public safety, and/or coastal resiliency of the Commonwealth's coastal harbors. Potential applicants are invited to attend an information session on April 17 at 11:00AM at One Ashburton Place, 21st Floor, Conference Room 3, Boston.

Please RSVP to [eoehedgrants@mass.gov](mailto:eoehedgrants@mass.gov) with the subject line "Dredging Info Session." Applications are due by May 1. See [How to Apply](#) for details.

#### EEA Municipal Vulnerability Preparedness Program Action Grants

The Executive Office of Energy and Environmental Affairs (EEA) is pleased to announce \$10 million dollars of funding available for action grant proposals for Municipal Vulnerability Preparedness (MVP)

planning, design or construction of a water pollution abatement project. DLS and MassDEP require that a debt service schedule be submitted for any loan for which eligibility is requested.

Projects receiving state grants are ineligible and certain other projects have their eligibility defined in §2Z. After full review, only a small number of projects/debt service submitted was deemed ineligible. The Sewer Rate Relief Fund is distributed on the same pro-rata basis to all eligible applicants. This percentage is then applied to the total eligible debt service of each applicant to calculate the award.

Awards are legally capped at 20% of eligible debt service, but for many years, the distribution has been based on the amount appropriated by the Legislature. For FY2019, applications listing 393 project loans and debt service were approved and grants were awarded to:

- the Massachusetts Water Resources Authority (MWRA) = \$890,239
- 3 local water and sewer commissions = \$46,328
- 2 sewer districts = \$10,500
- 42 cities and towns = \$152,933

Since FY94, the sewer rate relief program has distributed close to \$500 million to governmental entities throughout Massachusetts.

## Ask DLS: The "Brave Act"

This month's *Ask DLS* features frequently asked questions concerning municipal finance issues resulting from "An Act Relative to Veterans' Benefits, Rights, Appreciation, Validation and Enforcement," also known as the "BRAVE Act." Please let us know if you have other areas of interest or send a question to [cityandtown@dor.state.ma.us](mailto:cityandtown@dor.state.ma.us). We would like to hear from you.

### What is the "BRAVE Act"?

In 2018, Governor Charlie Baker signed An Act Relative to Veterans' Benefits, Rights, Appreciation, Validation and Enforcement at the Soldiers' Home in Chelsea. Known as the

#### Program.

These grants will provide designated MVP Communities funding and technical assistance to implement priority adaptation actions identified through the MVP planning process, or similar climate change vulnerability assessment and action planning that has led to MVP designation. Projects that propose nature-based solutions or strategies that rely on green infrastructure or conservation and enhancement of natural systems are preferred.

Applicants can request up to \$2,000,000 in funding (regional proposals may request up to \$5,000,000), and a 25 percent match of the total project cost is required. For more information, see the [MVP Action Grant Eligibility Criteria](#).

To view the RFR and download required forms, see the [COMMBUYS website](#). Proposals are due by 4:00pm on April 19<sup>th</sup>, 2019.

**Latest Issue of *Buy the Way Now* Available**  
Don't miss the March 2019 edition of [Buy the Way](#), the monthly Newsletter of the Operational Services Division (OSD).

Click [here](#) to get news and updates from OSD delivered to your inbox.

**Bulletin 2019-1: FY2020 Budget Issues and Other Related Matters**  
The Division of Local Services has posted [Bulletin 2019-1: FY2020 Budget Issues and Other Related Matters](#) to its 2019 [Bulletins page](#). This Bulletin addresses several issues that cities, towns, regional school and other districts

"BRAVE Act," the legislation provides additional support for members of the veterans' community and their families, including tax credits and enhanced educational opportunities.

#### **What changes were made to personal real estate tax exemptions under [G.L. c. 59, § 5](#)?**

- *Prisoners of war* are now eligible for Clause 22A exemptions. Local acceptance of this change is not required.
- *Surviving parents and guardians* of active duty military personnel and veterans who died as a proximate result of injury or disease suffered during active duty can receive a full exemption from real estate taxes on their domicile under a new local acceptance Clause 22H. It also requires their being domiciled in Massachusetts for 5 years unless the deceased was domiciled in Massachusetts 6 months before entering service.
- There are *reduced residency requirements*, beginning in fiscal year 2020, for veterans seeking exemption under Clauses 22, 22A, 22B, 22C, 22E and 22F and surviving spouses must meet changed residency requirements under Clause 22D. The service member or veteran must have been domiciled in Massachusetts for 6 months before entering military service OR the veteran or surviving spouse must have been domiciled in Massachusetts for at least 2 years rather than the current 5 years before the tax year begins. This does not apply to the new local acceptance statute Clause 22H mentioned above. The local option to reduce residency requirements to 1 year still remains for Clauses 22, 22A, 22B, 22C, 22D, 22E and 22F.
- Clause 22G was also amended to clarify that real estate that is the domicile of applicants for exemption under Clauses 22, 22A, 22B, 22C, 22D, 22E and 22F is eligible if it is owned *by a trustee, conservator or other fiduciary for the applicant's benefit*. The veteran can receive an exemption if they meet all other eligibility requirements. This does not apply to the new local acceptance statute

should consider for FY2020 budgets and other related matters.

#### **BLA to Host Informational Workshops**

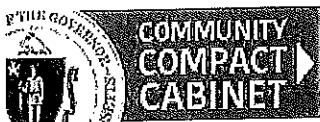
The Bureau of Local Assessment (BLA) will conduct three regional workshops and a webinar in March and April highlighting various topics including updates to the Certification Standards IGR, what to expect if in certification this year, Improving New Growth review, interim year review, FY20 State-Owned Land review, and an update on reviewing the utility class - use code 504. Advanced registration is required for all workshops including the webinar.

Sandwich - April 10, 2019  
34 Quaker Meeting House Road,  
Sandwich  
10am - Noon

Webinar - April 17, 2019  
Test link: <https://zoom.us/test>

Please email your site choice, name, community, email address, and phone number to [bladata@dor.state.ma.us](mailto:bladata@dor.state.ma.us).

*The Massachusetts Association of Assessing Officers (MAAO) will grant two (2) continuing education credits to assessors attending the Local Assessment Workshops.*



Clause 22H mentioned above.

- The cap on the local option statute concerning *veteran work-off abatements* has been raised from \$1,000 to \$1,500. G.L. c. 59, § 5N. Local reacceptance is not required for the increased cap to apply; however, if the city or town has adopted local rules, such rules may need to be amended. (Consult with local counsel.)

#### **When is a qualifying person eligible for the above-referenced exemptions?**

The "BRAVE Act" became effective on November 7, 2018. Exempt status for real estate is determined as of July 1, which is the beginning of the fiscal year. M.G.L. c. 59, § 5. As such, eligible exemptions under the "BRAVE Act" are effective for fiscal year 2020, which begins July 1, 2019.

## **Data Highlight of the Month: Veterans, Blind Persons, Surviving Spouses, and Elderly Persons Property Tax Exemptions**

### **DLS Municipal Databank**

All municipal board of assessors must annually submit a request for reimbursement of the property tax exemptions they have granted to certain disabled veterans, blind persons, surviving spouses, and elderly persons under MGL Ch. 59 §5. This request is submitted using forms found in DLS Gateway in the Miscellaneous Forms module.

There are multiple local option clauses in Ch. 59 §5 that a community can adopt to grant exemptions for eligible blind persons, surviving spouses, and elderly persons. To see what local option

## Other DLS Links:

[Local Officials Directory](#)

[Municipal Databank](#)

[Information Guideline](#)

[Releases \(IGRs\)](#)

[Bulletins](#)

[Publications & Training Center](#)

[Tools and Financial](#)

[Calculators](#)

your community has adopted, see the [Property Tax Exemption Clause](#) report on the DLS website. This report allows you to view information for all 351 communities and can be downloaded to Excel. Local options recorded in this report are based on [Notifications of Acceptance](#) forms submitted to the Municipal Databank by local clerks. In addition, information reported on the [MDM-1](#) form is a summary of all exemptions granted to eligible veterans, blind persons, surviving spouses and elderly persons.

The Municipal Databank is in the processing of developing additional online reports for this dataset, and we will announce them through the Databank Highlight. In the meantime, if you would like more information, please send a request to [databank@dor.state.ma.us](mailto:databank@dor.state.ma.us), and we will respond to your data needs.

## April Municipal Calendar

1 Collector

### Mail 2nd Half Semiannual Tax Bills

By this date, collectors in communities using the regular semiannual billing system mail the 2nd half actual tax bills or, if using optional preliminary bills, mail the actual tax bills.

1 Collector

### Mail 4th Quarter Tax Bills

Collector mails these bills if the 4th quarter bills were not included in the December mailings.

1 Taxpayer

### Deadline to Pay Semiannual Bill

[M.G.L. c. 59, § 57C](#) sets this as the deadline to pay the actual tax without interest in communities using the annual preliminary tax billing system on a semiannual basis, unless the bills were mailed after December 31. If mailed after December 31, payment is due either May 1 or 30 days from the date of the mailing, whichever is later.

1 Taxpayer

### Deadline to Apply for Property Tax Exemptions for Persons, Residential Exemptions, and Small Commercial Exemptions

This is the deadline to apply to the assessors if actual tax bills are mailed on or before January 1. If mailed after January 1, taxpayers have 3 months from the mailing date to file exemption applications.

30 State Treasurer

Notification of Monthly Local Aid Distributions, see [IGR 17-17](#) for more cherry sheet payment information, monthly breakdown by program is available [here](#).

To view the municipal calendar in its entirety, please [click here](#).

Editor: Dan Bertrand

Editorial Board: Sean Cronin, Linda Bradley, Paul Corbett, Theo Kalivas, Ken Woodland and Tony  
Rassias

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- How should each license type be zoned? According to the Commission and the Cannabis Advisory Board, real estate acquisition is one of the primary hurdles for small business to break into the industry. Additionally, restrictive zoning often pushes cannabis businesses into small sections of a municipality, often areas with a vulnerable or low-income population. Thus, the Commission recommends zoning cannabis businesses based on the nature of their primary business operations.
- What process will prospective licensees need to follow, and what is the timeline for that process? The Commission recommends that municipalities prioritize review for economic empowerment applicants at the local level.

While *M.G.L. c.94G* does not require municipalities to adopt an equity program, the guidance document states that “[i]f there is evidence of discrimination or barriers to entry in the regulated marijuana industry, state law directs the Commission to take remedial measures to address those hurdles.”

Lastly, the guidance document notes that the Commission is collecting information relative to social consumption (on-premises consumption) and delivery licenses and hopes to have draft regulations prepared by February 2019. Communities should be on the lookout for these regulations. Communities should also be on the lookout for restrictions placed on the fees and other payments collected by municipalities under their Host Community Agreements. Just this month, the Commission submitted a report to ask the Legislature to give the Commission explicit authority to oversee the contracts, including specifying what the community impact fees may or may not include.



## **TAX EXEMPTIONS FOR VETERANS AND THEIR FAMILIES**

On August 28, 2018, Governor Baker signed into law Chapter 218 of the Acts of 2018, An Act Relative to Veterans Benefits, Rights, Appreciation, Validation and Enforcement<sup>3</sup>, known as the *BRAVE Act*. In addition to providing new resources for veterans, the legislation creates or amends several local option provisions of *M.G.L. c.59, §5*, related to tax abatements and exemptions for veterans and their families. Of particular interest to municipalities, the *BRAVE Act*:

- Inserts into *M.G.L. c.59, §5*, a new Clause Seventeenth F. A municipality that accepts this clause may, in its discretion, annually increase abatements granted pursuant to Clauses Seventeenth, Seventeenth C, Seventeenth C½ or Seventeenth D, by an amount not to exceed the increase in cost of living as determined by the Consumer Price Index for such year.

<sup>3</sup> <https://malegislature.gov/Laws/SessionLaws/Acts/2018/Chapter218>

- Inserts into *M.G.L. c.59, §5*, a new Clause Twenty-second G. Acceptance of this clause by a municipality would alter requirements regarding the nature of ownership interest an applicant must hold to apply for an exemption under provisions relating to veterans and surviving spouses of veterans. Under existing law, an applicant for an exemption of property held in trust must be both a trustee and a beneficiary of the trust. Acceptance of the new Clause Twenty-second G would change this rule to permit an exemption where the applicant is not a trustee but is domiciled at a property that is held by a trustee, conservator or other fiduciary for the benefit of the applicant.
- Inserts into *M.G.L. c.59, §5*, a new Clause Twenty-second H. Acceptance of this clause by a municipality creates a new real estate tax exemption to the full amount of the taxable valuation of real property of the surviving parents of a soldier who dies while on active duty or is missing in action and presumed dead.
- Amends *M.G.L. c.59, §5N*. The maximum amount by which a municipality may reduce a veteran's real estate tax bill in exchange for volunteer services under *M.G.L. c.59, §5N*, has been increased from \$1,000 to \$1,500. If a municipality has accepted this statute by a vote that capped the limit at \$1,000, a second vote by Town Meeting is required to increase the cap to the new limit.

Each of these provisions may be accepted by a majority vote of the local legislative body and the provision of notice of such vote to the Department of Revenue, Division of Local Services.

### **C. SHORT-TERM RENTALS**

On December 28, 2018, Governor Baker signed into law Chapter 337 of the Acts of 2018 (the "Act") An Act Regulating and Insuring Short-Term Rentals<sup>4</sup>. The Act, which takes effect on July 1, 2019, amends *M.G.L. c. 64G* to include definitions and provisions applicable to short-term rentals made through internet hosting platforms such as Airbnb.

The Act provides that the executive office of housing and economic development, in consultation with the executive office of technology services and security and the department of revenue, shall establish and maintain a registry for all short-term rental operators under *M.G.L. c. 64G* who file an application and are issued a certificate of registration in accordance with *M.G.L. c. 62, § 67*. Further, not later than September 30, 2019, "the executive office of housing and economic development shall promulgate regulations, in accordance with section 2 of chapter 30A, that are necessary to: (i) develop and implement a registry that is accessible and available to the public; and (ii) support the competitive operation of the traditional lodging industry, short-term rental industry and hosting platforms to operate competitively in the commonwealth. The

<sup>4</sup> <https://malegislature.gov/Laws/SessionLaws/Acts/2018/Chapter337>